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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

10

PUREFITNESS CARLSBAD, INC.,  
Debtor.

Case No. 14-cv-2273-MMA-KSC

**ORDER STRIKING  
DOC. NOS. 28-30**

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PUREFITNESS CARLSBAD, INC.,  
Appellant,  
vs.  
UNITED STATES TRUSTEE,  
Appellee.

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18 On May 1, 2015, Appellant PureFitness Carlsbad, Inc. filed a Notice of  
19 Motion and Motion for Stay (“Notice”), Doc. No. 28, Motion for Stay Pending  
20 Appeal (“Motion”), Doc. No. 29, and an “*Ex-Parte* Motion for Relief Shortening  
21 Time for Motion for Stay Pending Appeal” (“Application”), Doc. No. 30. These  
22 documents do not conform with the Civil Local Rules and the Undersigned’s  
23 Chambers Rules for the following reasons:

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24       1. The case number does not appear in the lower right corner of each page  
25           of the Notice, Motion, or Application. CivLR 5.1(b).

26       2. The Notice incorrectly states that the Motion is made pursuant to  
27           “Federal Rules of Bankruptcy Procedure §8005 [sic].” *See* Fed. R.  
28           Bankr. P. 8005 (listing requirements to elect to have an appeal heard by

the district court rather than the BAP).

2. The Motion is not captioned properly. CivLR 7.1(f)(1).
  2. The Motion exceeds the twenty-five page limit.<sup>1</sup> CivLR 7.1(h).
  3. The Application for an order shortening time was not accompanied by a proposed order. CivLR 7.1(e)(5).
  4. The Application for an order shortening time is not accompanied by a declaration from counsel documenting counsel's meet and confer efforts and opposing counsel's position regarding the *ex parte* Application. Chambers Rule VI.

10 Accordingly, for the reasons set forth above, the Court **STRIKES** Doc. Nos.  
11 28-30. Should Appellant wish to retain the June 1, 2015, hearing date for the  
12 Motion for Stay Pending Appeal, Appellant shall re-file documents that have been  
13 amended to cure the defects noted above, and that otherwise comply with all other  
14 Civil Local Rules and the Undersigned's Chambers Rules, on or before Monday,  
15 May 4, 2015. Failure to do so will forfeit the hearing date.

16 To the extent that Appellant may seek reconsideration of the Court's February  
17 18, 2015, Order denying the motion for a stay pending appeal, Doc. No. 20,  
18 Appellant's motion must conform to the requirements of Civil Local Rule 7.1(i).  
19 Any motion for reconsideration must be correctly captioned as such.

## IT IS SO ORDERED.

22 | Dated: May 1, 2015

Michael M. - Rello

Hon. Michael M. Anello  
United States District Judge

<sup>1</sup> Appellant's previous motion for a stay of these proceedings exceeded the page limit set forth in this Court's local rules, and the Court specifically advised Appellant that "future motions before this Court must comply with Civil Local Rule 7.1, or they will be stricken." Doc. No. 20.